

## **ZONING ADMINISTRATOR HEARING AGENDA**

**CITY OF NEWPORT BEACH  
COUNCIL CHAMBERS – 3300 NEWPORT BOULEVARD  
Thursday, April 28, 2011  
Regular Meeting – 3:30 p.m.**

**Jaime Murillo  
Zoning Administrator**

### **NOTICE TO THE PUBLIC**

#### **HEARING ITEMS**

##### **ITEM NO. 1.**

Continued from April 14, 2011 Hearing  
Balboa Fitness Parking Facility – Minor Use Permit No. UP2011-005  
(PA2011-034)  
2000 West Balboa Boulevard Council District 1

**SUMMARY:** A minor use permit to allow the introduction of a commercial parking facility use in conjunction with an existing personal service use (health and fitness facility). The commercial parking facility will share the use of the on-site parking lot. The property is located in the MU-W2 (Mixed Use - Water Related) District.

##### **RECOMMENDED ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2011-005 (PA2011-034) subject to the recommended findings and conditions.

##### **CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

##### **ITEM NO. 2.**

Bear Flag Fish Company Minor Use Permit - Amendment No. 1 to Use Permit No. UP2008-056 (PA2011-027)  
407 31st Street Council District 1

**SUMMARY:** A minor use permit to amend Use Permit No. UP2008-056 to allow the addition of a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license to an existing eating and drinking establishment (food service, no late hours) with accessory outdoor dining. The requested hours of operation are from 11:00 a.m. to 10:00 p.m., daily for the interior of the establishment and 11:00 a.m. to 9:00 p.m., daily for the outdoor patio dining area. The property is located in the MU-CV/15th St. (Mixed-Use Cannery Village/15th Street) District.

##### **RECOMMENDED ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Amendment No. 1 to Use Permit No. UP2008-056 (PA2011-027) subject to the recommended findings and conditions.

**CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

**ITEM NO. 3.** Subway Restaurant, Old Newport Boulevard – Minor Use Permit No. UP2011-006 (PA2011-036)  
349 Old Newport Boulevard Council District 2

**SUMMARY:** A minor use permit to allow the operation of a take-out service, limited eating establishment with six seats to occupy an existing retail space. The proposed hours are 7:00 a.m. to 11:00 p.m., daily. Alcohol sales is not proposed. The property is located in the OG (Office General Commercial) District.

**RECOMMENDED**

**ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2011-006 (PA2011-036) subject to the recommended findings and conditions.

**CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

**ITEM NO. 4.** Ellen Benedict - Massage Therapy – Minor Use Permit No. UP2011-009 (PA2011-054)  
2503 Eastbluff Drive, Suite 205 Council District 4

**SUMMARY:** A minor use permit to establish a 400 square foot massage therapy use in an existing office building. The facility will consist of a reception room and one therapy/treatment room. Proposed hours of operation are 7:00 a.m. to 5:00 p.m., daily. The property is located in the CN (Commercial Neighborhood) District.

**RECOMMENDED**

**ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2011-009 (PA2011-054) subject to the recommended findings and conditions.

**CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

**ITEM NO. 5.** The Landing Shopping Center Signs – Comprehensive Sign Program No. CS2010-003 and Modification Permit No. MD2011-004(PA2010-107)  
3101-3121 Newport Boulevard and 3100-3152 Balboa Boulevard  
Council District 1

**SUMMARY:** A comprehensive sign program at a renovated commercial shopping center. The project includes new primary and secondary frontage wall signs, freestanding pylon signs located along the Newport Boulevard and Balboa

Boulevard lot frontages, address signs, and other site signage. The application also includes a modification permit to allow additional height, area, and location for signs within the shopping center. The property is located in the CN (Commercial Neighborhood) District.

**RECOMMENDED**

**ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Comprehensive Sign Program No. CS2010-003 and Modification Permit No. MD2011-004(PA2010-107) subject to the recommended findings and conditions.

**CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15311, Class 11 (Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least 72 hours in advance of each hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Planning Division at least 48 hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any writings or documents provided to the Zoning Administrator regarding any item on this agenda will be made available for public inspection in the office of the Planning Division located at 3300 Newport Boulevard, during normal business hours.

**APPEAL PERIOD:** Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.